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Attorneys for Defendants
OCLARO, INC., ALAIN COUDER,
JERRY TURIN, and JAMES HAYNES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CURTIS and CHARLOTTE WESTLEY,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

OCLARO, INC., et al.,

Defendants.

Case No. C11-2448 EMC
and related consolidated action

IN RE OCLARO, INC. DERIVATIVE
LITIGATION,

Lead Case No. C11-3176 EMC
(Derivative Action)

This Document Relates to:

No. C11-2448 EMC

**STIPULATION AND [PROPOSED]
ORDER ON CASE MANAGEMENT
CONFERENCE STATEMENT**

1 WHEREAS, on May 19, 2011, plaintiffs Curtis and Charlotte Westley filed a Class Action
2 Complaint for Violation of the Federal Securities Laws (“Complaint”) (Dkt. No. 1) against
3 defendants Oclaro, Inc., Alain Couder, Jerry Turin, and James Haynes in the above-entitled matter;

4 WHEREAS, on October 27, 2011, Lead Plaintiff Connecticut Laborers’ Pension Fund
5 (“Lead Plaintiff”) filed an Amended Complaint for Violation of the Federal Securities Laws
6 (“Amended Complaint”) (Dkt. No. 39) against Defendants Oclaro, Inc., Alain Couder, and Jerry
7 Turin (collectively, “Defendants”);

8 WHEREAS, on December 12, 2011, Defendants filed a motion to dismiss the Amended
9 Complaint (Dkt. No. 44);

10 WHEREAS, on March 27, 2012, the Court issued an Order granting Defendants’ motion to
11 dismiss the Amended Complaint and Lead Plaintiff leave to amend (Dkt. No. 58);

12 WHEREAS, on April 26, 2012, Lead Plaintiff filed a Second Amended Complaint for
13 Violation of the Federal Securities Laws (“Second Amended Complaint”) (Dkt. No. 62);

14 WHEREAS, on May 25, 2012, Defendants filed a motion to dismiss the Second Amended
15 Complaint (Dkt. No. 63);

16 WHEREAS, on September 21, 2012, the Court issued an Order granting Defendants’ motion
17 to dismiss the Second Amended Complaint and Lead Plaintiff leave to amend (“September 21
18 Order”) (Dkt. No. 79);

19 WHEREAS, on October 4, 2012, Lead Plaintiff filed a Motion for Leave to File Motion for
20 Reconsideration of the September 21 Order (“Motion for Leave”) (Dkt. No. 82);

21 WHEREAS, on October 29, 2012, the Court issued notice rescheduling the Case
22 Management Conference for December 11, 2012 and the filing of the parties’ Joint Case
23 Management Statement for December 4, 2012 (Dkt. No. 90);

24 WHEREAS, on October 30, 2012, Defendants filed an Opposition to Lead Plaintiff’s Motion
25 for Leave (Dkt. No. 91);

26 WHEREAS, on November 17, 2012, Lead Plaintiff filed a Reply in Support of the Motion
27 for Leave (Dkt. No. 93);

28 WHEREAS, on December 11, 2012, the Court will hold a hearing on Lead Plaintiff’s Motion

1 for Leave;

2 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C.
3 § 78u-4(b)(3)(B), discovery is currently stayed during the pendency of Defendants' motion to
4 dismiss;

5 WHEREAS, based on the discovery stay and in order to avoid the unnecessary expenditure
6 of the Court's resources or effort by the parties to this action, the parties have agreed, subject to the
7 Court's approval, that there is no need at this time for the parties to file the Joint Case Management
8 Conference Statement; and

9 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
10 arguments, or defenses otherwise available to the parties to this action.

11 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
12 stipulate as follows:

- 13 1. The parties do not need to file a Case Management Conference Statement on
14 December 4, 2012.

15 DATED: November 27, 2012

16 **ROBBINS GELLER RUDMAN &**
17 **DOWD LLP**

ALSTON & BIRD LLP

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and

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*Counsel for Defendants Oclaro, Inc., Alain Couder,
Jerry Turin*

Counsel for Plaintiffs

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order on Case Management Conference Statement. Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Gidon M. Caine, attest that concurrence in the filing of this document has been obtained.

DATED: NOVEMBER 27, 2012

/S/ GIDON M. CAINE
GIDON M. CAINE (CAL. STATE BAR NO. 188110)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 28, 2012

HON. EDWARD M. CHEN
United States District Court

